

Appl. No. 10/601,225
Amdt. dated May 2, 2006
Responsive to Office Action dated November 2, 2005

REMARKS/ARGUMENTS

Claims 1-43 are pending in the application. Reconsideration and reexamination of the application are hereby respectfully requested.

In the Claims:

Claims 1-14

Independent claim 1 stands rejected under 35 U.S.C. 102(b) as anticipated by US 6,375,437 to Nolan. Independent claim 1 is amended herein to require that the "the air outlet port is positioned at a bottom portion of the air tank," which limitation is similar to that previously in dependent claim 12. Nolan '437 does not disclose an air outlet at the bottom of its air tank 24. Rather, Nolan '437 teaches the conventional location of its air outlet port 32 at the top of tanks 24.

Dependent claim 12 stands rejected under 35 U.S.C. 103 (a) as unpatentable over Nolan '437 in view of US 4,514,019 to Moore. Office Action ¶6. Claim 12 is amended herein and its original limitation that the "the air outlet port is positioned at a bottom wall of the air tank" has been modified and incorporated into amended independent claim 1, but it seems advisable to address the above stated grounds for rejection in-so-far as the Examiner may view those grounds as still relevant to amended claim 1. Firstly, Applicants respectfully submit that Moore '019 is not analogous prior art. Moore '019 is directed to dental equipment and more particularly portable dental equipment. Moore at col. 1 lines 5-7. Moore '019 describes a complex "portable, self-contained dental operator" (Abstract), which only incidentally contains an air compressor 100. One of ordinary skill in the art would not expect to look to dental equipment to identify and solve problems in the field of portable air compressors generally and with condensate and corrosion in particular. Secondly, Moore '019 does not identify the problem addressed and solved by the subject application or disclose the apparatus claimed by the subject. Moore '019 does not even contain a compressed air tank as that term is used in the subject application and Nolan '437. Rather, Moore '019 discloses a dental assembly including an air

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compressor 100 which draws on a vacuum bottle 102 and discharges into and pressurizes a water bottle 110. Moore at col. 6 lines 11-35. Applicants respectfully disagree with the Examiner's contention that the air access port of the "tank" in Moore '019 is located on the bottom of the tank (Office Action ¶ 9) or that it would have been obvious to put it there (Office Action ¶ 7). Aside from the fact that what the Examiner is presumably referring to as a "tank" is actually a pressurized water bottle 110, which would of course moot any concerns about accumulating condensate, FIG 5 of Moore '019 clearly shows the inlet to bottle 110 in the top portion thereof, both in the reclined/stowed location or as shown upright in phantom. The Examiner's statements about possible placement on shelves and "not fixed" orientation are pure speculation and hindsight. Thirdly and lastly, assuming for sake of argument that Moore '109 shows what the Examiner describes, there is no motive or suggestion to combine Moore '019 with Nolan '437 in the combination proposed. Moore '019 is a dental "operatory," it does not identify problems with the build up of condensate in compressor air tanks or identify solutions thereto. Nolan '437 does not provide the motivation, it is concerned with the ergonomics and portability of its compressor and provides a conventional bottom drain valve 30 for the blow-out of accumulated condensate. Thus, neither reference provides the motive or suggestion for the proposed combination, and the Examiner has not identified a separate source for that motivation.

Fore all the reasons above, the Applicants respectfully submit that amended independent claim 1 and its dependent claims 2-14 are allowable over the prior art of record.

Claims 15-27

Independent claim 15 stands rejected under 35 U.S.C. 102(b) as anticipated by US 5,399,072 to Westphal. Independent claim 15 is amended herein to require that the "the air access port is positioned at a bottom portion of the air tank," which limitation is similar to that previously in dependent claim 26. Westphal '072 does not disclose an air access at the bottom portion of its air tank 12. Rather, Westphal '072 teaches the conventional location of its air access port in a top portion of tank 12.

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Dependent claim 26 stands rejected under 35 U.S.C. 103 (a) as unpatentable over Westphal '072 in view of Moore '019. Office Action ¶8. Claim 26 is amended herein and its original limitation that the "the air access port is positioned at a bottom wall of the air tank" has been modified and incorporated into amended independent claim 15, but it seems advisable to address the above stated grounds for rejection in-so-far as the Examiner may view those grounds as still relevant to amended claim 15. For all the reasons discussed above in regards to claims 1-14, and *mutatis mutandis*, Applicants assert that Moore '019 is not analogous prior art, that it does not disclose what the Examiner purports to see (Office Action ¶9), and that the motive or suggestion to combine Westphal '072 and Moore '019 as proposed is not found in either reference nor is ~~it~~^{it} another source identified by the Examiner.

For all the reasons above, the Applicants respectfully submit that amended independent claim 15 and its dependent claims 16-27 are allowable over the prior art of record.

Claims 28-40

Independent claim 28 stands rejected under 35 U.S.C. 103(a) as unpatentable over US 5,399,072 to Westphal in view of US 4,828,131 to Strubel. Applicants respectfully traverse the grounds for rejection.

Firstly, Applicants respectfully submit that Strubel '131 is not analogous prior art. Strubel '131 is directed to a "transport container . . . for retaining very pure liquid chemicals." Strubel '131 col. 1 lines 6-8. One of ordinary skill in the art of air compressors would not expect to look to ~~look~~^{it} to a patent to *a flask intended to store liquids* to identify and solve problems in the field of portable air compressors generally and with condensate accumulation and removal in particular. Secondly, Strubel '131 does not identify the problem addressed and solved by the subject application or disclose the apparatus claimed by the subject. Strubel '131 does not even contain a compressed air tank as that term is used in the subject application and Westphal '072. As with the water bottle in Moore '019, Strubel's transport container

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is intended to store a liquid and discharge it by means of an overlying blanket of pressurized gas. Strubel '131 col. 3 line 6 to col. 4 line 8. The function and structure of Strubel '131 clearly is not concerned about accumulating condensate and associated corrosion. Thirdly and lastly, there is no motive or suggestion to combine Westphal '072 with Strubel '131 in the combination proposed. As noted immediately above, Strubel '131 is a liquid transport container and it does not identify problems with the build up of condensate in compressor air tanks or identify solutions thereto. Westphal '072 does not provide the motivation, indeed it does not seem to provide any means for removing accumulated condensation from its air tank 12. Thus, neither reference provides the motive or suggestion for the proposed combination, and the Examiner has not identified a separate source for that motivation.

For all the reasons above, the Applicants respectfully submit that independent claim 28 and its dependent claims 29-40 are allowable over the cited prior art.

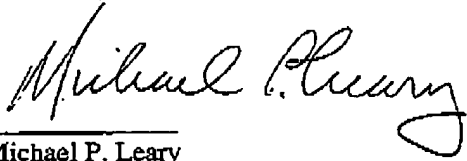
Claims 41-43

Independent claim 41 and dependent claims 41-43 stand rejected under 35 U.S.C. 102(b) as anticipated by US 6,375,437 to Nolan. Independent claim 41 is amended herein to require the further step of "supplying one of an air outlet port, an air access port, and an open end of a hollow conduit positioned at a bottom portion of the air tank." Nolan '437 does not disclose an air outlet, air access, or conduit so located for discharging mixed condensate and compressed air. Moreover, for all the reasons discussed above, the Applicants assert that none of the cited references individually or in a legitimate combination would disclose the claimed steps. Therefore, the Applicants respectfully submit that amended independent claim 41 and its dependent claims 42 and 43 are allowable over the cited prior art.

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Respectfully submitted



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